

IN THE SUPREME COURT OF THE UNITED STATES

SENATOR MITCH McCONNELL et al.,
Appellants/Cross-Appellees,

v.

FEDERAL ELECTION COMMISSION et al.,
Appellees/Cross-Appellants.

On Appeal From The United States
District Court For The District Of Columbia

RESPONSE TO MOTION BY REPRESENTATIVE RON PAUL ET AL.
FOR RECONSIDERATION OF ORDER CONCERNING DIVIDED ARGUMENT

Appellants in No. 02-1674 (Senator Mitch McConnell; Southeastern Legal Foundation, Inc.; Representative Bob Barr; Center for Individual Freedom; National Right to Work Committee; 60 Plus Association, Inc.; U.S. d/b/a Pro English; Thomas E. McInerney; and the National Association of Broadcasters) come before the Court and state as follows:

1. Like appellants in No. 02-1675, National Rifle Ass'n v. FEC, appellants in No. 02-1747, Paul v. FEC, have now moved for reconsideration of the Court's August 4 order denying their motion for divided argument. See Motion for Reconsideration of Order Concerning Oral Argument, August 11, 2003. That motion should be denied. As we noted in our response to their initial motion for divided argument, the Paul appellants advance a discrete theory: namely, that various provisions of BCRA are unconstitutional because they violate not the First Amendment freedoms of speech and

association, but rather the First Amendment freedom of press. See Response to Mots. for Divided Argument 2-3. The district court, however, dealt summarily with those claims, and, as the Paul appellants concede, defendants ignore those claims in their briefs. See Mot. for Reconsideration 2. Because the Paul appellants advance no new argument in their motion to justify granting them oral argument time, the motion should be denied.

2. We have been authorized to indicate that appellants in No. 02-1733, National Right to Life Comm. v. FEC; No. 02-1734, ACLU v. FEC; No. 02-1755, AFL-CIO v. FEC; and No. 02-1756, Chamber of Commerce v. FEC, join this response, except for the Libertarian National Committee, and that all of those appellants join our response, filed yesterday, to the NRA appellants' similar motion for reconsideration.

Respectfully submitted,

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No. 02-1674 et al.

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CERTIFICATE OF SERVICE

I, Kenneth W. Starr, a member of the Supreme Court Bar, hereby certify that one copy of the foregoing Response to Motion for Reconsideration of Order Concerning Oral Argument was served on all parties required to be served. Service was made by electronic mail and Federal Express on August 12, 2003, to:

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